

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAIN RE: BABY FOOD PRODUCTS  
LIABILITY LITIGATION

This document relates to:

ALL ACTIONS

Case No. 24-md-03101-JSC

**ORDER RE PLAINTIFFS' MOTION  
FOR ALTERNATE SERVICE OF  
PROCESS ON FOREIGN  
DEFENDANTS**

Re: Dkt. No. 279

Plaintiffs contend they were exposed to toxic heavy metals in Defendants' baby food, which resulted in diagnoses of autism spectrum disorder and attention deficit hyperactivity disorder. To date, Plaintiffs have served the Master Complaint on Foreign Defendants Nestlé S.A., Danone S.A., Hero AG, and Neptune Wellness Solutions. (*See* Dkt. Nos. 279-2, 279-3, 279-4, 279-5.) Plaintiffs then filed the notice of completed service on November 11, 2024. (Dkt. No. 262.) Now pending before the Court is Plaintiffs' motion for alternate service of process on the Foreign Defendants. (Dkt. No. 279.)

Since the filing of this motion on December 2, 2024, the Court has dismissed Defendants Nestlé S.A., Danone S.A., and Hero AG for lack of personal jurisdiction. (*See* Dkt. No. 447.) Therefore, the only remaining Defendant subject to this motion is Neptune Wellness Solutions ("Neptune").

On April 24, 2025, during oral argument on the motion, the parties agreed the key question to resolve was whether service of the Master Complaint, alone, sufficed to hale Neptune into court. Neptune took the position that service of the Master Complaint was insufficient because the Master Complaint does not identify any individual plaintiffs, and no plaintiff in an underlying action had effected service of process through the Hague Convention on Neptune.

1       The briefing on this motion did not address that question, and the parties indicated they  
2 would meet and confer regarding subsequent service of the Short Form Complaints on Foreign  
3 Defendants. Therefore, the Court DENIES the motion, without prejudice. Plaintiffs may renew  
4 their motion at an appropriate time in the event an agreement between the parties cannot be  
5 reached.

6       **IT IS SO ORDERED.**

7       Dated: April 24, 2025



8  
9       JACQUELINE SCOTT CORLEY  
10      United States District Judge